

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Utility Consumers' Action Network (UCAN),

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 02-01-007
(Filed January 7, 2002)

Investigation on the Commission's Own Motion into the Operations, Practices, and Conduct of Pacific Bell Telephone Company (U 1001 C), Pacific Bell Internet Services, and SBC Advanced Solutions, Inc. (U 6346 C) to Determine Whether They Have Violated the Laws, Rules and Regulations Governing the Inclusion of Charges for Products or Services on Telephone Bills.

Investigation 02-01-024
(Filed January 23, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING MOTION TO INTERVENE AND REJECTING
APPEAL OF PRESIDING OFFICER'S DECISION**

Evidentiary hearings were held in this proceeding and the matter submitted for decision on September 10, 2002. The Presiding Officer's Decision was filed with the Commission and served on all parties on September 27, 2002. On October 28, 2002, the final date for filing an appeal of the Presiding Officer's

Decision, Janice Deaton tendered her Motion of Janice Deaton to Intervene, and separately, her Appeal of the Presiding Officer's Decision.

Deaton's motion, coming as it does at the last possible time before the proceeding is closed, places the Commission at risk of exceeding the Public Utilities Code Section 1701.2(d) requirement that it resolve adjudication cases within 12 months of initiation. The proposed settlement to which she objects was filed on July 3, 2002, nearly four months ago, yet Deaton has not explained why she could not have sought participation earlier in the proceeding. Deaton's motion would cause undue delay and will be denied.

Under the Commission's Rules of Practice and Procedure, Rule 8.2(c), the complainant, defendant, respondent, or any intervenor in an adjudicatory proceeding may file and serve an appeal of the Presiding Officer's Decision. With the denial of Deaton's motion, Deaton has no standing to file a Rule 8.2(c) appeal. The appeal Deaton has tendered for filing will be rejected.

IT IS RULED that that the Motion of Janice Deaton to Intervene is denied, and Janice Deaton's Appeal of the Presiding Officer's Decision in this proceeding is rejected.

Dated October 30, 2002, at San Francisco, California.

/s/ JAMES C. MCVICAR

James C. McVicar
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion to Intervene and Rejecting Appeal of Presiding Officer's Decision on all parties of record in this proceeding or their attorneys of record.

Dated October 30, 2002, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.